

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>02114PC/RF/YJ</b>	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416																									
International application No. <b>PCT/SE 2003/001169</b>	International filing date (day/month/year) <b>04.07.2003</b>	Priority date (day/month/year) <b>05.07.2002</b>																								
International Patent Classification (IPC) or national classification and IPC <b>A61L 2/24, A61D 11/00, A01J 7/02</b>																										
Applicant <b>DeLaval Holding AB et al</b>																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>7</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 10%; text-align: center;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;">Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand <b>08.01.2004</b>	Date of completion of this report <b>04.10.2004</b>
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer <b>Anders Brinkman/ELY</b> Telephone No. +46 8 782 25 00

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001169

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))  
 publication of the international application (under Rule 12.4)  
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished  
 the description:

pages 1 - 17 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:

pages \_\_\_\_\_ as originally filed/furnished

pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19

pages\* 18 - 24 received by this Authority on 20 - 08 - 2004

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:

pages 1 - 5 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (specify): \_\_\_\_\_

any table(s) related to the sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/figs \_\_\_\_\_

the sequence listing (specify): \_\_\_\_\_

any table(s) related to the sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001169

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	<u>1-25</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-25</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-25</u>	YES
	Claims	_____	NO

## 2. Citations and explanations (Rule 70.7)

**Documents cited in the International Search Report:**

D1: EP 1099373 A1  
 D2: US 6279507 A  
 D3: EP 0800763 A2

**Explanation**

The invention relates to a method and a device for automatically disinfecting or sterilizing at least a portion of any of a resting, a milking, or a feeding station. One object of the invention is to provide a method and a device which are effective, accurate, safe and of low cost.

D1 discloses a device and a method for disinfecting the feet of cows whilst they are in a feeding box or a walk-through feeding pen. The feeding box is connected to a cow identification system, which is connected to a programmable regulator unit on the foot disinfecting device that is placed in the stand of the feeding box. In this way individual treatment of each cow is possible. By way of example, the frequency of the treatment may differ for each cow. The foot disinfecting device comprises a trough where the cows place their back feet. After about a number of ten cows have visited the feeding box, the trough is emptied and rinsed.

D2 and D3 discloses implements for automatically milking animals.

.../...

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

Claim 1

The method according to claim 1, third paragraph, lines 12-13 states that disinfection and sterilisation of a portion of the feeding station is performed automatically. This is also the case in D1 where the trough of the disinfection device is cleaned automatically. As it appears from D1 this can only be done after a cow has left the feeding box.

The method according to claim 1 of the application differs from D1 in that the disinfection device is cleaned automatically if said retrieved information reveals that a milking animal entering said any of a resting, a milking, or a feeding station has an infection that is capable of being transmitted to other milking animals and in that no further milking animals are admitted to enter a station until the disinfection or the sterilization has been performed.

The defined difference mentioned above aims at the object of preventing an infection from being transmitted to other animals, in an accurate, reliable and safe way.

The cleaning of the disinfection device in D1 is made after that a certain number of cows have visited the feeding box without considering if a cow has an infection that can be transmitted to healthy animals or not. There is no mention in D1, or in D2 or D3, that an infected cow would be a reason to clean the disinfection device. The teaching in D1 is therefore not considered to lead the person skilled in the art to the method according to claim 1 of the application.

.../...

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

Claim 16

The device according to claim 16 comprises a processing and control device (last paragraph) that is adapted to control the disinfecting and sterilizing apparatus to automatically disinfect or sterilize a portion of e.g. a milking station after that an infectious animal has left the station.

The device according to claim 16 differs from D1 through what is stated on lines 17-21, "provided that said information retrieved reveals that a milking animal entering said ...station has an infection that is capable of being transmitted to other milking animals" and through what is stated on lines 25-27, "before further milking animals are admitted to enter said...station". These differences have been judged to be functional features of the processing and control device and in the end functional features of the claimed device.

The device according to claim 16 is non-obvious to the person skilled in the art for the same reasons as discussed under claim 1.

Summary

The subject matter according to claims 1 and 16, and their respective dependent claims 2-15 and 17-25, is novel, considered to involve an inventive step and considered to be industrially applicable.